



Office of Compliance

Strategic Plan

Fiscal Years 2010-2012



Introduction

The Office of Compliance (“OOC” or “Agency”) is pleased to present its third triennial Strategic Plan that will guide the programs and operations of the OOC from Fiscal Year 2010 through Fiscal Year 2012. During this time period, the Agency will regularly review the strategies and initiatives set forth in this Plan and modify them, as necessary, to respond to the changing demands on the Agency and its resources. To support the realization of the goals outlined in this Plan, the OOC will establish employee work plans that are directly linked to the elements of this Strategic Plan.

This three-year Strategic Plan sets out four strategic goals with specific initiatives for advancing the Agency’s mission under the Congressional Accountability Act (“CAA” or “Act”). Goal I addresses the responsibilities of the Agency to assist and enforce compliance with safety and health, disability access, and labor relations provisions; Goal II reviews the application of the dispute resolution program to resolve workplace conflicts, the operation of labor-management provisions relating to representation matters, and the Board’s regulatory responsibilities; Goal III outlines the Agency’s efforts to increase awareness and understanding of the Act, the Agency’s processes, and the services it provides to the covered community; Goal IV presents the Agency’s plan to provide its employees with a work environment that supports individual performance and advances the Agency’s mission.

Throughout the term of this Plan, the OOC will foster relationships and leverage resources to accomplish the goals it has set. Success in some areas of this Plan may not be entirely within the Agency’s control, however. Certain goals are contingent upon receiving budgetary approval for specific initiatives, and success in some areas is heavily reliant on cooperation from “outside stakeholders” (persons or entities sharing an interest in the actions of the OOC) and members of the “covered community” (Legislative Branch visitors, employing offices, and staff covered by the Congressional Accountability Act).

Mission

The Office of Compliance advances safety, health, disability access, and workplace rights for employees, employers, and visitors of the Legislative Branch as mandated by the Congressional Accountability Act.

Since the passage of the Congressional Accountability Act in 1995, the OOC has tirelessly pursued its mission to improve safety and health in Congressional facilities throughout the country, provide a meaningful process to address and resolve employment disputes, ensure equal access for people with disabilities, and guarantee the rights of employees represented by labor organizations.

In pursuit of its mission, the OOC establishes the following four Strategic Goals and incorporates them into the everyday work of its employees:

Goal I: Protect the health and safety of Legislative Branch employees, assure equal access for individuals with disabilities, and provide for the prompt and fair

resolution of unfair labor practice disputes.

Goal II: Provide a fair, efficient, and high quality process for resolving workplace disputes that are presented to the Office of Compliance under the Congressional Accountability Act.

Goal III: Improve knowledge of rights and responsibilities under the CAA, both on Capitol Hill and in State and District offices, and increase awareness of the OOC among Legislative Branch employees and employing offices as a primary resource when questions arise.

Goal IV: Maximize OOC employee capability and contribution by increasing employee satisfaction through innovation, the acquisition of up-to-date technological resources, and maintaining an environmentally-friendly workplace.

To advance these goals in the Legislative Branch, the OOC serves the functions of multiple Executive Branch agencies, including the Equal Employment Opportunity Commission (“EEOC”), divisions of the Department of Labor (“DOL”) (Occupational Safety and Health Administration, and Wage and Hour) and divisions of the Department of Justice (Disability Rights Section), and the Federal Labor Relations Authority. The Office of Compliance performs its mission with a staff complement of only 22 full-time equivalent employees, contractors, and a part-time Board of Directors.

The OOC plans to achieve the stated goals by following the Strategic Plan outlined herein:

Goal I

Protect the health and safety of Legislative Branch employees, assure equal access for individuals with disabilities, and provide for the prompt and fair resolution of unfair labor practice disputes.

The Office of the General Counsel of the Office of Compliance is responsible for administering certain provisions of the Occupational Safety and Health (“OSH”) Act, the public access provisions of the Americans with Disabilities Act (“ADA”), and the unfair labor practice provisions of the Federal Service Labor-Management Relations Act (“LMR”) that were adopted by the CAA and apply to most Legislative Branch employees.

In fulfilling these responsibilities, the OOC will implement three basic strategic initiatives to enforce these statutes: A) Prioritize OSH and ADA inspections and abatement enforcement according to risk and severity; B) Promote improved understanding of compliance requirements through targeted, effective education and technical assistance programs; and C) Provide clarity to stakeholders respecting OOC protocols and procedures.

Goal I will be advanced by means of the following strategic initiatives:

A. Prioritize OSH and ADA Inspections and Abatement Enforcement According to Risk and Severity

By prioritizing, according to risk and severity, OSH and ADA inspections, hazard abatement, and access barrier removal, the OOC will direct its limited resources to areas where they are most needed. In turn, this approach will assist employing offices and other stakeholders to identify and timely address the prevention and elimination of safety and health hazards and barriers to access. To further this initiative, the Agency will:

- Emphasize identification, abatement, and prevention of the most serious threats to safety and health in the Legislative Branch commencing with the 112th Congress. In consultation with its stakeholders, the Agency will develop “risk-based” periodic OSH Act inspection and abatement protocols to guide future inspections utilizing information gained from the past three biennial inspections and other data. While still satisfying the statutory mandate to inspect all covered facilities in the Legislative Branch, the inspections of potentially less hazardous areas will be guided by risk factors. Hence, these protocols will enable us to target the most dangerous operations, facilities and work areas having Risk Assessment Code (“RAC”) I and RAC II hazards, and those workplaces with a history of continuing hazards or numerous injuries and illnesses. The Agency will work with employing offices to develop the information needed to establish a health and safety risk hierarchy for their activities, utilizing their input on operations and programs that involve the highest risk, inventories of chemical constituents, and analyses of illness and injury data - ultimately leading to fewer injuries and illnesses. The OOC will also continue to offer education and technical assistance to offices that are voluntarily developing safety and health management systems. Such preventive management systems are designed to identify and prevent persistent and high risk hazards through audits, “near-miss” hazard identification, injury and illness contributing factor analysis and trends, and other relevant indicators.
- Work with employing offices utilizing a risk-based approach for the abatement of citations. The Conference Report accompanying the Legislative Branch Appropriations Act of 2010 directed the OOC to work with employing offices to establish criteria using a risk-based approach for addressing corrections needed to remedy citations. The OOC looks forward to actively engaging stakeholders in the development of an enforcement directive that is based on risk, taking into account mitigating and exacerbating risk factors, costs of remedial action, and interim safety measures to achieve an acceptable level of life safety until a citation is fully abated. The OOC anticipates implementing that directive as early as the 112th Congress. In the interim, the Agency will continue to work with employing offices on the abatement of those citations that represent the highest risk to health and safety.

- Inspect for compliance with OSH Act-mandated safety programs and procedures, such as emergency action plans, hazard communications, lockout/tagout (protection from spontaneous energy release), and confined spaces. The Agency recommended that employing offices routinely self-evaluate the effectiveness of their safety and health programs in its report of the 108th Congress biennial inspection and announced the Agency's intention to begin a comprehensive review of those programs. In 2008, the OOC notified employing offices that it would be inspecting their programs and procedures during the 112th Congress biennial inspections cycle to identify locations lacking or having inadequate protective programs. These inspections will be risk-based, with an emphasis on non-office workplaces posing the greatest threat of illness or injury. To prepare for this inspection, the Agency offered assistance to covered offices during the 111th Congress to review and aid in the development and implementation of procedures that they have identified as operational risk priorities. Several offices have accepted its offer, and the OOC will continue to provide such assistance during the 111th Congress.
- Request that employing offices report the status of hazard abatement 45 days after the OOC issues its initial hazard finding, and every six months thereafter until abatement has been achieved. Technology now in use does not permit reporting of such information to the OOC on a "real time" basis, thus creating considerable lag time in advising the OOC of hazard abatement status. Therefore, the OOC will engage with employing offices to develop a targeted re-inspection program of high risk hazards. This approach is consistent with the practice of some employing offices to establish time targets for abating their highest risk hazards on an accelerated basis.

Further, the OOC will identify and seek acquisition of information technology upgrades to enable employing offices to report abatement information on a real time basis. These upgrades will also ensure that any security sensitive information is adequately protected from public disclosure.

- Develop a pilot self-inspection program for Legislative Branch facilities outside the Washington, DC metropolitan area. The OOC has lacked the resources to carry out full inspections of facilities located outside of the Capitol Complex, beyond providing educational materials. To fulfill its statutory mandate, the OOC intends to partner with stakeholders on the Hill and in remote House and Senate offices to design and implement a pilot program for self-inspections to ascertain OSH conditions and ADA compliance. The Agency intends to acquire an effective software system to enable these offices to participate in a self-reporting inspection and abatement program. Additionally, the OOC will work with other government agencies, where possible and appropriate, to assist the

employing offices in conducting the inspections and remedying any deficient conditions that exist.

- Develop an ADA training program for OOC and employing office inspectors. The OOC's biennial ADA inspections have focused on physical and communication barriers in interior spaces that can be removed by "readily achievable" means, such as installing ramps, making curb cuts in sidewalks and entrances, widening doors, installing accessible door devices, and removing non-compliant signage. However, the reach of Title II and Title III of the ADA under the CAA is broader, and extends barrier-free requirements to exterior areas such as pathways from public transportation, sidewalks, and subways. Accordingly, in consultation with affected employing offices, the Agency will create ADA protocols for inspections of pathways from public transportation, sidewalks, and subways, and evaluate assistance being provided by employing offices to those with sight and hearing impairments. These protocols will be severity-based, taking into account the nature of the barriers and the number of individuals affected, as well as the potential impact of barriers on persons with disabilities based on the foreseeability and severity of barriers to access, potential injuries, and other relevant considerations.
- Assist stakeholders with creating and implementing an ADA transition plan for each legislative facility. The four critical steps in effectively removing barriers to access by persons with disabilities are: (1) Thoroughly inspect all facilities and inventory all barriers to access, (2) Bring all stakeholders together to prioritize barrier removal projects and to plan all aspects of the barrier removal process, (3) Develop a transition plan for each facility based upon information obtained from stakeholders, and (4) Monitor compliance with the transition plan. The objective of this initiative is to have an agreed upon transition plan in place for each Legislative Branch facility that will address how all barriers to access will be removed.

B. Promote improved understanding of compliance requirements through targeted, effective education and technical assistance programs

The CAA directs the OOC to "carry out a program of education for Members of Congress and other employing authorities of the legislative branch . . ." CAA Section 301(h)(1). Education, technical assistance and other outreach initiatives enhance communication between the OOC and its stakeholders, assuring that the OOC is directly responsive to their needs and providing stakeholders with a clear understanding of the OOC's responsibilities and procedures. Outreach activities also promote self-correction by stakeholders - improving workplace safety and health and ADA-related accessibility without the need for OOC intervention. To further this initiative, the Agency will:

- Increase availability and awareness of technical help. The Agency intends to improve its assistance program by expanding technical assistance capabilities, and raising awareness of these services among stakeholders to ensure effective remediation and full compliance in covered facilities.
- Elicit engagement from the covered community to obtain the most helpful suggestions on how the OOC can effectively perform its regulatory and educational functions. The Agency regularly seeks input to help improve its existing processes or adopt new approaches to carrying out its statutory responsibilities. The OOC will expand its communication with stakeholders at every level to help identify effective ways to deliver training that best meets the needs of employees, supervisors, and employing offices.

C. Provide clarity to stakeholders respecting OOC protocols and procedures

Providing greater clarity on what the OOC offers to, and anticipates from, stakeholders on a consistent basis will facilitate compliance and enhance collaborative relationships between the OOC and its stakeholders. To further this initiative, the Agency will:

- Develop streamlined and clarified operational protocols for OSH Act, ADA, and LMR activities. The OOC recognizes the value of clear communication with stakeholders and consistent application of OOC protocols, and will continue to work collaboratively with employing offices and other stakeholders to develop protocols that will define expectations on both sides of the inspections process. Specifically, the Agency will issue case-handling guidelines for processing OSH Act requestor-initiated inspection cases, and develop guidelines for OSH Act and ADA public access periodic inspections. In addition, it will update the case-handling manuals covering ADA complaints and LMR unfair labor practice charges. Further, the Agency will review other OOC procedures to assure they are precise and clearly understood by affected stakeholders, and routinely elicit suggestions from employing offices regarding the efficiency of procedures.
- Issue final substantive OSH Act and ADA regulations. During its periodic OSH Act and ADA inspections, the OOC applies Occupational Safety and Health Administration's safety and health standards and the Department of Justice's ADA regulations. As required by the CAA, the OOC's Board of Directors ("Board") previously adopted substantive OSH regulations, which were presented to the House of Representatives and the Senate in September 1996 and published in the Congressional Record on January 7, 1997. No Congressional action was taken on these regulations and therefore they were not issued. The Board is presently considering for adoption substantive OSH Act and ADA regulations. The issuance of substantive regulations will help stakeholders understand how the standards will be enforced.
- Request that Congress enact legislative changes necessary to improve the OOC's effectiveness in carrying out its mission. In December 2008, the OOC Board of Directors submitted to Congress its Section 102(b) Report recommending certain amendments to

the CAA that, with respect to the instrumentalities of Congress, would enhance the OOC's ability to effectively and efficiently investigate hazards and enforce occupational safety and health standards, determine the extent of employee injuries and illnesses and their cause, and assure covered employees the same level of protection against retaliation afforded their counterparts in the private sector.

Measuring Success:

The OOC works steadfastly and cooperatively with the covered community to promote a healthy, safe, and accessible environment in which to work and visit, and investigates and resolves unfair labor practice charges filed under the labor-management provisions of the CAA. During the term of this Strategic Plan, the OOC will measure the success of this Goal in the following ways:

1. Identify, prioritize, and assure the creation of an efficient and cost-effective plan for the responsible employing offices to abate all RAC I and RAC II hazards found in all covered Washington area buildings and facilities.
2. Resolve 80% of all RAC I and RAC II hazards within one year of their discovery.
3. Facilitate inspection of pilot Member District and State offices' completion of self-inspections by end of FY2011.
4. Complete pilot self-inspection program and use survey results to develop a self-inspection program for all Member District and Senate State offices by the end of FY2012.
5. Secure ADA transition plans for all covered Washington DC area buildings and facilities.

External Factors:

Success in many of these areas is dependent upon obtaining the necessary funding levels for new initiatives, the cooperation of key stakeholders during the inspections process, and the ability of stakeholders to modify or abate identified hazards as recommended by the OOC.

Goal II

Provide a fair, efficient, and high quality process for resolving workplace disputes that are presented to the Office of Compliance under the Congressional Accountability Act.

Under the direction of the Executive Director, the Agency administers the multi-step Administrative Dispute Resolution (ADR) process established by the Congressional Accountability Act. This process utilizes alternative dispute resolution principles to promptly and effectively resolve matters that arise under the CAA. The administrative process is used to resolve workplace disputes alleging employment discrimination because of race, color, religion, sex, national origin, age, disability, and genetic information; violations of the Family and Medical Leave Act, Fair Labor Standards Act, Polygraph Protection, protections in the event of a mass layoff, veterans' employment rights, and prohibition of intimidation or reprisal. Alternative dispute resolution techniques are also utilized by the Agency in processing and resolving other matters, including labor-management disputes and individual grievance issues.

The Agency's dispute resolution process affords several opportunities for aggrieved employees to resolve issues without engaging in expensive and time consuming litigation, although they have the right to pursue a civil action if they choose to. An employee initiates a proceeding under the CAA by filing a written request for counseling with the Agency not later than 180 days after the alleged violation of the Act. During confidential counseling, an employee receives information on the rights and responsibilities afforded under the Act. Following counseling, an employee may request mediation from the Agency. Mediation provides the parties with an opportunity to discuss their issues and explore options for settling the dispute on mutually acceptable terms.

If a matter is not resolved in mediation, an employee may file an administrative complaint with the Office of Compliance, or file a civil action. A hearing officer will conduct an administrative hearing on a complaint, and a decision of a hearing officer may be appealed to the Board of Directors; a decision of the Board may be appealed to the Federal Circuit.

The OOC strives to administer its alternative dispute resolution program in the most fair, efficient, and cost effective manner possible. The Agency continually reviews its case handling operations to ensure efficiency and quality in the processing of claims. As a result, it has revised standard forms, amended the Procedural Rules, and implemented customized case management software. The case management system keeps statistical data on the use of the ADR program, enabling the OOC to identify problematic issue areas within the covered community, and to monitor processing time and related costs.

To further enhance its operations, the Agency has entered into Memoranda of Understanding with other federal agencies as a fiscally conservative way to share professional resources and optimize subject matter expertise. In 2009, the OOC had final decisions of its Board of Directors published with a major on-line legal research service, so that parties, practitioners, and researchers have access to search technologies to research decisions on matters filed under the Congressional Accountability Act. During the term of this Strategic Plan, the Agency will continue to disseminate important information and increase its sponsorship of substantive educational programs to enhance the application of the CAA. Outreach programs will include seminars for practitioners who may represent parties in matters pending before the Agency, relationship-building activities with its federal sector counterparts including the Federal Circuit, and sponsoring seminars on specific subject matter areas covered by the CAA.

The OOC seeks feedback on its programs by surveying the covered community on various issues. Of particular interest to the ADR program are the Mediation Surveys that are completed by mediation participants, parties, and mediators. Information received by the Agency is confidential, and is used to help the OOC evaluate the effectiveness of its program and to appropriately allocate its limited resources. Although the rate of completed surveys returned to the Agency remains low, it will continue to survey participants to obtain valuable feedback.

In addition to processing claims through its ADR program, the Agency enforces labor-management provisions that entitle eligible covered employees to seek representation by a labor organization for purposes of collective bargaining, to join a labor organization or not, and to seek

Board determination on negotiability issues and exceptions to arbitration awards.

Representation petitions filed on behalf of eligible employees seeking representation by a labor organization are filed with the OOC, which investigates the petitions and conducts secret ballot elections. The Board of Directors resolves disputes concerning the negotiability of issues related to the collective bargaining process, and decides appeals of arbitrator awards. The OOC draws on the expertise of its staff and Board of Directors in the areas of labor and employment law, and dispute resolution, to fairly and efficiently process and resolve matters that arise under the labor-management provisions.

In addition to its myriad of other responsibilities under the Act, the Board of Directors of the Office of Compliance has extensive regulatory responsibilities. The Board recommends for Congressional approval substantive regulations that assist covered employees and employing offices to understand the application of their rights and responsibilities under the Act, and issues procedural regulations that guide the processing of claims through the Agency's processes. These regulatory responsibilities require that the Agency devote substantial resources to tracking legislation and developing regulations that meet the unique needs of the covered community.

Goal II will be advanced by means of the following strategic initiatives:

A. Effectively utilize alternative dispute resolution techniques in OOC proceedings to assist disputants in successfully resolving workplace disputes.

Staff of the Office of Compliance work diligently to assist stakeholders in complying with the provisions of the CAA and provide highly effective processes to resolve disputes when claims of violations of the CAA arise. To further this initiative, the Agency will:

- Utilize “interest-based” concepts to develop productive approaches and strategies for prompt and effective dispute resolution.
- Enhance continuing education opportunities for ADR staff on the substantive provisions of the Act and in proactive counseling techniques and dispute resolution strategies.
- Expand discussions with the Office of the Architect of the Capitol and the United States Capitol Police on the impact of their respective internal procedures and how these procedures might assist in resolving issues earlier in the dispute resolution process.
- Provide training to Legislative Branch entities on dispute resolution skills to encourage employees and managers to utilize ADR techniques to effectively resolve workplace disputes at the earliest stage possible – whether utilizing internal agency processes, or the dispute resolution process under the CAA.
- Hold workshops on settlement and mediation techniques. These workshops will cover various settlement, mediation and non-collective bargaining negotiation techniques, strategies, and expectations and include insights from those mediators used by the Office

of Compliance.

- Utilize the Agency's new case management system to assist in the administration of the Dispute Resolution program. The OOC will monitor processing times, costs, settlement amounts, and resolution effectiveness to ensure that it is allocating its resources in the most effective way possible.
- Expand the Agency's network of quality professionals by developing relationships with labor and employment professionals outside of the Agency and by entering into agreements with other federal agencies, such as the Federal Mediation and Conciliation Service and the Merit Systems Protection Board, to share neutrals and subject matter experts with extensive knowledge and experience in the areas of alternative dispute resolution, labor, and employment law.
- Expand the Agency's outreach efforts with its reviewing court by attending Federal Circuit and Federal Circuit Bar functions. Further develop the Agency's relationship with the EEOC and DOL, focusing on common issues such as Title VII and veteran's rights concerns.
- Develop more formal orientation and training on the CAA and procedural rules for Hearing Officers.

B. Provide resources to parties coming before the Board of Directors - increasing their knowledge and understanding of the CAA, advancing the application of the CAA, and facilitating the appropriate resolution of matters before the Board.

In administering the CAA, the OOC seeks to ensure that the Act is fairly and correctly applied to the covered community. To further this initiative, the Agency will:

- Engage in continuing education of the covered community to inform them of their substantive rights and responsibilities under the CAA, and encourage voluntary compliance by covered employees and managers.
- Implement large-scale conferences annually, smaller targeted training sessions as needed, and quarterly Agency briefings on the provisions of the CAA for employers, employees, and labor representatives.
- Enhance the application of the rights of Legislative Branch stakeholders by sponsoring a forum for employment law practitioners that focuses on the provisions of the CAA and the Agency's Procedural Rules. This forum would provide individuals representing employees, unions and employing offices opportunities to discuss the latest CAA case precedent and "hot" issues, share updates on substantive regulations approved and in development by the Board of Directors, review the latest developments on the Procedural Rules of the Office of Compliance, and assess potential for technological developments (e-filings, document maintenance, discovery, etc.) while sharing observations and lessons learned from practicing before the Agency.

- Utilize the new case management system to highlight issues that arise under the CAA within the covered community, and develop outreach strategies that will facilitate work with affected employing offices and lead to the development of targeted training programs that will promote and assist stakeholders' voluntary compliance with the relevant requirements of the CAA.
- Provide broad access to final decisions by the Board of Directors to fully inform the covered community of the application of the provisions of the CAA and the Agency's procedural rules. The OOC understands the importance of the covered community's access to the case law being developed by the Board of Directors, so that parties or potential parties can better understand their rights and responsibilities under the Act. Therefore, the OOC will continue to post the Board's final decisions on widely accessible data bases, facilitating legal research for parties, representatives, practitioners, and researchers on matters concerning the Congressional Accountability Act. In addition, the OOC will look for additional databases to which new Board decisions and regulations can be posted.

C. Support the implementation of the labor-management provisions of the CAA.

The OOC will enhance its utilization of alternative dispute resolution techniques to resolve labor-management issues including representation and negotiability matters, as appropriate. To further this initiative, the Agency will:

- Support the right to organize/refrain from organizing by timely and efficiently processing representation petitions and promptly convening meetings among the parties to a petition to resolve outstanding issues relating to the appropriateness of the unit of employees for collective bargaining, and other related matters. The OOC will conduct fair secret ballot elections in compliance with the provisions of the Congressional Accountability Act, and certify the results of all elections conducted under the auspices of the Office of Compliance.
- Upon the filing of a petition for review of a negotiability issue, the OOC will provide the parties with an opportunity to resolve the dispute through facilitated discussions utilizing dispute resolution skills. An expedited hearing may be held in such a matter prior to the Board making a determination as to the whether the duty to bargain in good faith extends to the matter proposed to be bargained.
- Upon the filing of exceptions to an arbitrator's award, the Board of Directors of the OOC will review the award to which an exception has been filed to determine if the award is deficient because it is contrary to any law, rule or regulation or on other grounds similar to those applied by Federal courts in private sector labor-management relations, and issue a decision.

- Educate the community of eligible employees, managers, and labor representatives in-person, via the OOC website, and during Agency-sponsored training programs on the substantive provisions of the Congressional Accountability Act and methods of dispute resolution to assist in the processing of petitions and the application of the rights of the parties to the collective bargaining process.
- Ensure on-going professional training for staff to maximize Agency expertise in mediation, negotiation, and labor law to facilitate the prompt and fair resolution of disputes that arise under the labor-management provisions of the CAA.

D. Effectuate the Board of Directors' rulemaking authority by tracking and reviewing proposed legislation and regulation, amending the Agency's Procedural Rules, and recommending Congressional approval of substantive regulations adopted by the Board.

The Congressional Accountability Act requires the Board of Directors of the Office of Compliance to report to Congress on the application and administration of the CAA, and to recommend substantive and regulatory changes to the Act that would enhance its applicability within the Legislative Branch. To further this initiative, the Agency will:

- Continue to pursue the implementation of the Board's existing recommendations to Congress as set forth in the reports issued by the Board of Directors under Section 102(b) of the Act since 1996.
- Continually monitor developing legislation and regulation that may impact workplace rights and responsibilities within the covered community, and recommend substantive and regulatory changes on an on-going basis, as well as biennially through the Board of Directors' 102(b) Report.
- Urge Congress to approve the substantive regulations adopted by the Board of Directors to implement the Veterans' Employment Opportunities Act ("VEOA"), and the Uniform Services Employment and Reemployment Rights Act ("USERRA").
- Monitor, develop, adopt, and recommend Congressional approval of added or amended substantive regulations for application by the CAA, as deemed necessary in the opinion of the Board of Directors, to implement fully the Family and Medical Leave Act ("FMLA") and the Fair Labor Standards Act ("FLSA"), and Genetic Information Nondiscrimination Act ("GINA").
- Monitor the application of the Agency's Procedural Rules, and amend those rules as needed to optimize the implementation of the provisions of the CAA.

Measuring Success:

Counseling, mediation, and hearings are conducted timely, as defined by the Congressional Accountability Act and driven by the parties. Similarly, swift resolution of workplace disputes is facilitated by the willingness of the parties to work through a dispute and arrive at a mutually agreeable resolution. Assisting parties to understand their rights and responsibilities under the CAA is facilitated by the growing body of legal precedent established by the Board of Directors providing guidance on the application of the CAA to particular matters.

The OOC seeks to facilitate the proper application of the rights conferred by the CAA in the workplace, and supports the fair and equitable resolution of disputes through its multi-step Alternative Dispute Resolution process. During the term of this Strategic Plan, the OOC will measure the success of its ADR program in addressing matters filed under the CAA in two ways¹:

1. Utilize the case management system to monitor the use of the OOC by covered employees, spot trends, and develop training programs that target areas where increased education on the rights and protections of the CAA is indicated.
 - Year one, the Agency will review data and determine the topic areas and scope and frequency of training to be provided.
 - Year two, in coordination with its stakeholders, the Agency will develop educational modules that meet the needs of the covered community.
 - Year three, the Agency will provide regular and integrated training for stakeholders on methods of dispute resolution, the provisions of the CAA, and the Agency's procedures.
2. Attain issuance of substantive regulations for the application of VEOA, USERRA, FMLA, FLSA, and GINA under the CAA, and amendments to the Agency's Procedural Rules, as recommended by the Board of Directors of the Office of Compliance.

External Factors

Several external factors may prevent the OOC from achieving these measures; among them are the ability and/or willingness of stakeholders to recognize and report potential violations, and to participate in educational opportunities provided by the Office of Compliance. In addition, the Agency must rely on Congress to approve any substantive regulations adopted by the Board for those regulations to be issued.

Goal III

Improve knowledge of rights and responsibilities under the CAA, both on Capitol Hill and in State and District offices, and increase awareness of the OOC among Legislative Branch employees and employing offices as a primary resource when questions arise.

¹ Previously, the OOC measured the success of its ADR program by collating the responses to its Mediation Participant Survey assessing the "fairness and effectiveness of the mediation process as reported by participants." Despite our best efforts, survey response rates remained so low that a statistically significant assessment was not possible. However, the anecdotal feedback the surveys provided was useful. So, while the OOC has selected new measures for success for its 2010-2012 Strategic Plan, the Agency will continue to survey mediation participants to obtain feedback on the application and effectiveness of its mediation program.

The Office of Compliance continues to enhance its Education and Outreach program, and is excited about its progress. Initiatives under this program include visits to new Congressional Member offices to inform them of the CAA and the Office of Compliance, increased distribution of electronic and printed educational materials to employees, and increased training programs for the covered community. These initiatives have helped the Agency move closer to its goal of being the first point of contact for Member offices and Legislative Branch agencies and employees. Working with its stakeholders, the OOC continues to provide the most up-to-date information regarding employee rights and protections, and encourage the use of alternate dispute resolution to resolve workplace disputes. The Agency recognizes that resolving disputes at the lowest possible level often reduces workplace stress and provides results that are acceptable to both parties.

At the outset of this strategic planning period, the Office of Compliance is without access to the House, Senate, or other employing office intranet systems, nor does it have a familiar Capitol Hill telephone prefix number. These factors isolate the Agency from its Legislative Branch stakeholders, rendering communication less effective and ultimately more costly. Sustaining awareness requires multiple educational strategies, including intranet, Internet, traditional mailings, Hill visits, District visits, and targeted outreach to employee groups such as office managers and office emergency personnel.

Looking forward, the OOC will work to enhance awareness of the rights and protections afforded by the Congressional Accountability Act, and to increase the visibility of the OOC's programs to avert violations of the Act and encourage early resolution of disputes. To this end, the Agency is gearing-up training and outreach activities to make it better known and more accessible to employees and employing offices, and to encourage stakeholders to utilize the OOC as a resource at the first indication of a potential violation.

The initiatives listed below are designed to facilitate the actualization of this goal by increasing the Agency's visibility among Member offices and Legislative Branch agencies. Utilizing the results of the baseline survey of the covered community conducted over the previous strategic planning period, the OOC has learned that the most effective way to reach employees is through e-mail. Therefore, the Agency will rely heavily on that format to reach out to the covered community, and will build on the success of previous communication efforts to continue to strengthen relationships with employees, labor organizations, employing offices, Members, and Committees.

Goal III will be advanced by means of the following strategic initiatives:

- A. *Increase visibility within the covered community and build relationships with those stakeholders who are unfamiliar with the Office of Compliance's services.*

The OOC was heavily engaged in outreach activities at the start of the 111th Congress, introducing the Agency to newly elected Members and providing the offices with information

about the protections under the CAA and the services the OOC provides. During the term of this Strategic Plan, the Agency intends to build on the successes of these visits and call upon those offices and agencies that have expressed an interest in OOC services. The Agency also intends to incorporate this outreach effort at the beginning of the 112th Congress, visiting Member offices, as well as agencies and employee representatives. To further this initiative, the Agency will:

- Be present at relevant Legislative Branch gatherings and available to employees and employing offices during Legislative Branch events and employee activities. The Agency will increase its participation in safety fairs, employee informational sessions, and other scheduled gatherings where employees receive information about services and resources available to them.
- Hand-deliver significant reports to Congress, such as the Annual Report, and Board of Directors' Section 102(b) Report on legislative recommendations, to invite discussion, answer questions, and engage in communication with its stakeholders. Such increased communication will ensure that the Agency hears of concerns first-hand and has the opportunity to directly answer any questions regarding its services.
- Expand outreach efforts to all levels of staff within the OOC. The Executive Staff of the OOC typically focus their efforts on working with staff from the Agency's oversight and appropriations committees to discuss Agency initiatives and the OOC's efforts in meeting its mission. To enhance the work done through this type of outreach, the Agency plans to expand its efforts beyond its Executive Staff and beyond these stakeholders. The Agency will include other pertinent members of the OOC staff to develop relationships with those staff on committees whose subject matter pertains to the work of OOC.
- Monitor progress in communicating with stakeholders, and implement the use of a tracking system to track outreach activities and ensure that the OOC is responding promptly and thoroughly to the needs and inquiries of stakeholders.

B. Become a vital resource for the covered community.

The Agency will focus its training efforts on issues that have become significant in the covered community. To further this initiative, the Agency will:

- Utilize the results of the baseline survey measuring stakeholder awareness of the CAA and the OOC, and focus efforts on providing seminars, conferences, workshops, and other training opportunities in areas where the surveys indicated that additional information was needed by employees, employing offices, and employee representatives. Training modules on the provisions of the CAA and the Agency's Procedural Rules will also be provided as a resource and reference for the covered community.

- Continue participation in national conferences and workshops. To be a resource for the covered community, the OOC must remain current on the substantive law, trends, and best practices within its subject matter areas. Therefore, the Agency will continue its efforts to participate in national conferences for labor and employment professionals in the federal sector. In 2009, Agency staff presented at the annual Federal Dispute Resolution Conference; the OOC will seek similar opportunities to appear at national conferences over the course of this strategic planning period.
- C. *Acknowledge and promote the basic tenets of fair employment practices and workplace rights inherent in the Congressional Accountability Act.*

To promote continued compliance with the CAA, the Agency will hold certain events that recognize the significance of the Legislative Branch accomplishments under the CAA. These initiatives are intended to celebrate the values espoused by Congress in establishing the CAA, to increase awareness within the community of the rights and protections afforded by the CAA, and to acknowledge achievements in the application of the provisions to the Legislative Branch. To further this initiative, the Agency will:

- Organize and sponsor an event to celebrate the passage of the ADA. The OOC will invite several disability rights groups to assist with the event and to participate in the presentation, including the National Disability Rights Network and United Cerebral Palsy. The event will start with a symposium to discuss the history of the ADA, accomplishments to date, challenges and opportunities, and the future of access for the disabled. The event will close with a celebration and comments from lawmakers.
- Organize and sponsor an event to celebrate and recognize veterans and service members who work in Congress. The event will start with a symposium to discuss the effects of veterans and service members' employment-related rights under various federal statutes, whether they have been successful in addressing the needs of veterans and service members, and what changes to federal laws are being sought by or on behalf of veterans and service members. The event will be followed by a celebration and comments from lawmakers.
- Organize and sponsor an event to celebrate the 15th anniversary of the passage of the CAA, the creation of the Office of Compliance, and Congress' achievements under the Congressional Accountability Act.

D. *Develop a "Model Office" program to recognize those employing offices that seek training and advice from the Office of Compliance.*

In an effort to increase compliance with the requirements of the CAA, the Agency intends to recognize those offices that promote best practices and transparency, and utilize the OOC's training courses, information, and materials. Under its incentive program, the OOC will develop

appropriate criteria to award offices for their compliance with various provisions of the CAA. To further this initiative, the Agency will:

- Design and roll out an index/scoring program to encourage Members to voluntarily disclose to their employees their rights under the CAA, and the services provided by OOC.
- Recognize Member offices that achieve a score of 100% at a ceremony sponsored by the OOC, and provide a symbol of their achievement that may be posted on their office website.

E. Increase the effectiveness of the Office of Compliance website as an informational resource, and implement methods of mutual recognition between the Office of Compliance and various Legislative Branch entities.

To effectively communicate with stakeholders, the OOC must reach all employees of the House, Senate, and instrumentalities in the most accurate and economic way possible. The Agency intends to maximize the utility of its website and gain access to the relevant intranet sites to streamline educational communications via work e-mail accounts. To further this initiative, the Agency will:

- Develop training modules for display on its website, www.compliance.gov. The Agency's revised website is anticipated to go "live" in 2010. Once "live", the OOC will post video of training sessions, provide informational webcasts, and maintain a message board to serve employees and employing offices on Capitol Hill and in State and District offices.
- Provide current legislative information. Mandated to stay abreast of relevant legislative activity on the Hill, the OOC will provide updated information regarding legislative activity in the areas of labor and employment law, and pertinent regulations.
- Publish on its website, current amendments to the Act, the Agency's Procedural Rules, and substantive regulations to provide the covered community with current information on legislative activity concerning their rights and responsibilities under the CAA.
- Work collaboratively with Information Technology ("IT") staff of the House, Senate and the instrumentalities to place the OOC website address on their intranet websites.
- Participate in meetings and discussions with IT staff from other agencies concerning OOC's need for electronic access to stakeholders, and provide IT expertise in collaborative discussions concerning website development, including iPhone applications, and other innovative formats.

Measuring Success:

In measuring its success, the Office of Compliance will seek to increase the total number of training sessions it provides each year, the number of informational briefings to offices and employees, and increase the OOC's access to stakeholders through collaborative resources, such as intranet and e-mail. During the term of this Strategic Plan, the OOC will measure the success of this Goal in the following ways:

1. Increase by 5% from the previous fiscal year, and in each succeeding fiscal year, the number of training opportunities offered to employees and employing offices.
2. Increase by 5% from the previous fiscal year, and in each succeeding fiscal year, the distribution of "fyi's" produced, and "Fast Facts," and other published material disseminated to employing and support offices by way of First Call on the House side and the Senate Education and Training Office, as well as other distribution points.
3. Connect with key legislative branch stakeholders on issues important to the Agency, achieving direct access to Members, staff, or employee representatives 80% of the time

External Factors:

Competing demands on stakeholders, staff time, funding, and other resource restrictions may inhibit the Agency's ability to achieve full actualization of this goal.

Goal IV

Maximize OOC employee capability and contribution by increasing employee satisfaction through innovation, the acquisition of up-to-date technological resources, and maintaining an environmentally-friendly workplace.

In the previous Strategic Plan (FY07-09), this "internal" goal focused on employee satisfaction and capabilities. During the three year term of that Plan, the Agency made great strides in improving its internal operations to meet the objectives. Among its initiatives, the OOC implemented a Human Capital Plan with a clearly defined pay scale for employees, developed and implemented telework and alternate work schedule policies to respond to the needs of employees' work/life balance, and updated the Agency's technological tools to increase employee efficiency.

In this current Strategic Plan, the Agency will build on its achievements over the term of the last Plan, and enhance workplace diversity through its recently implemented Affirmative Action Policy Statement. The OOC's Affirmative Action Statement encourages the diversity enhancement of women, minorities, and the disabled and promotes non-discrimination based on race, color, religion, national origin, sex, disability, and age.

Recognizing that its staff is its most valued resource, the Agency seeks to create the best possible work environment for each employee to be productive and well-performing. To that end, the Agency seeks to acquire additional technological tools and expand its workspace. With the recent increase in pandemic illness, the Office of Compliance intends to improve its emergency preparedness through the creation of a plan establishing protocols to follow in the event there is a shutdown of on-site operations. In addition, the Agency embraces its duty to be environmentally responsible – to provide a healthy workplace and decrease any negative impact on the environment. Finally, in line with its recently established Human Capital Plan, the OOC will develop and implement a mentoring program to retain employees and maximize their potential.

Goal IV will be advanced by means of the following initiatives:

A. Develop and implement an Affirmative Action Policy.

The Office of Compliance is dedicated to furthering the ability of women, minorities, and people with disabilities in upper management as evidenced by its Affirmative Action Policy Statement and by the Agency's staff demographics. Pursuant to the Legislative Branch Appropriations Act, 2009 – Title I, the OOC developed an Affirmative Action Policy Statement that emphasizes the Agency's commitment to non-discrimination because of race, color, religion, national origin, sex, disability, and age. To further this initiative, the Agency will:

- Develop and implement an Affirmative Action Policy and Program that achieves a balanced representation of women, minorities, and people with disabilities, and post the policy in a prominent place, as a testament to the Agency's dedication to the fundamental principles of fair-hiring and promotion practices.
- Increase the Agency's outreach to minority, women, and people with disabilities by placing job announcements in publications and attending job fairs that are geared toward recruiting minorities, women, and people with disabilities.
- Appoint an Equal Employment Opportunity Coordinator to manage the Affirmative Action Program, ensuring the Agency's continued compliance with its newly developed Affirmative Action Policy.
- Evaluate the performance of management in achieving the stated objectives of the Agency's Affirmative Action Policy.
- Encourage employees to support equal employment in the performance of their job responsibilities

B. Enhance individual productivity and organizational efficiency and effectiveness through the acquisition of up-to-date technological resources.

The Office of Compliance continues its efforts to update its IT systems to support productivity and employee satisfaction. To protect the confidentiality of matters before the OOC, staff currently utilize a “two box” system, with one computer connecting to the Agency’s intranet system, and another computer connecting to external networks through a server administered and maintained by the Library of Congress. The OOC uses its intranet for internal communication and to secure confidential data; the external network is used for internet research and e-mail access only, thus creating a system where each employee has two computers at their workstation. The practice of maintaining two computers for each employee decreases efficiency and increases costs and administrative burden on the Agency. To further this initiative, the Agency will:

- Seek an efficient method for streamlining computer access, while maintaining security and confidentiality in an environment that is increasingly threatened by viruses and sophisticated hackers.
- Create a private network on the Library of Congress’ infrastructure that will allow employees to remotely access their computer without compromising the security of confidential information. This will enable the Agency to reduce the number of computers at each work station while maintaining confidentiality.
- Create an automated process whereby computer system upgrades and patches can be distributed by Agency IT staff via the Agency’s network to ensure that all OOC computers have the most recent software and security updates.
- While being hosted on the Library of Congress network, create a separate e-mail address for OOC staff that properly identifies them as employees of the OOC by using user@compliance.gov instead of the address: user@loc.gov currently utilized. This separate e-mail address will eliminate confusion and the misperception that the OOC is a function of the Library of Congress.

C. Gain additional space to meet the growing needs of the Agency

Since the Agency was established, its office space has been located in the Library of Congress, John Adams Building. This central and discrete location on the Hill makes the OOC easily accessible to all Legislative Branch employees while providing a level of confidentiality. As the Agency’s staff complement has grown over the years to meet the needs of the Legislative Branch, so has the need to maintain sufficient space for efficient operations. As requests for the Agency’s programs have grown, staffing levels have increased, requiring employees to double and triple-up in areas meant for one workstation, creating a situation of over-crowding. Thus, the OOC has made the acquisition of additional physical space a priority in FY2010-2012. As

early as 2002, the Agency engaged in efforts to acquire sufficient workspace to meet its operational needs, and the OOC intends to continue with these efforts. To further this initiative, the Agency will:

- Continue dialogue with Senate and House Appropriations subcommittee staff as well as Library of Congress staff to acquire additional workspace in a location that is similarly central and discrete.
- Ascertain the availability and cost of leased space on or near Capitol Hill, and present the information to Senate and House Appropriations subcommittee staff for consideration in determining the feasibility of other accommodations.
- Continue to enlist the assistance of oversight committees to join its efforts in acquiring much-needed space for the employees of the OOC. Additional office space is necessary for employees to have essential work areas and conference rooms to perform their duties in pursuit of the Agency's mission.

D. Develop and implement a Continuity of Operations Plan(“COOP”)

The Office of Compliance is currently developing a plan of action for continuity of mission-essential functions during emergency situations. Continuity of Operations planning was initiated by the Federal government as a response to the threat of nuclear attack during the Cold War. Fifty years later, a COOP would prepare this Agency to continue in the event of a catastrophic attack, severe weather, an outbreak of pandemic illness, or other situation that could cause the Agency to work outside of its normal conditions. Many different types of emergencies can be contemplated, and the Agency strives to be ready for any and all potential situations. In order to create a COOP, the OOC must first identify the critical functions that will keep it running during an emergency. To further this initiative, the Agency will:

- Clearly define and prioritize essential operations to include communications, continued and timely case processing if practicable, and payroll functions.
- Analyze staff and resource requirements, including orders of succession.
- Anticipate incidental preparations for emergency situations, activate all related safeguards, and practice the implementation and actualization of COOP.
- Review and define steps needed to recover from an event that triggered the application of the COOP.

E. Commit to increase Agency efforts for the betterment of the environment

With the growing global concern over preserving the environment, the Office of Compliance pledges to reduce its environmental footprint by implementing conservation initiatives over the next three years. The OOC will continue to reduce waste and increase its recycling program to enhance its greening efforts. To further this initiative, the Agency will:

- Increase its recycling of plastic, metal, paper, and toner cartridges.
- Use e-mail and other electronic means to distribute documents and reduce paper waste.
- Increase conservation efforts by turning lights off when not in use, reducing the amount of computers at each work station, and having electronic devices hibernate when not in use.

F. Create and implement a formalized mentoring program

Over the course of the last Strategic Plan, the Office of Compliance committed to creating a Human Capital Plan to retain talent and maximize the abilities of existing employees. An aspect of this plan is to create and implement a formalized mentoring program over the ensuing three years. The program would allow an employee to have regular interaction with a more experienced member of the organization on a range of issues relating to the individual's employment duties and professional development. Capitalizing on its highly skilled workforce, the Agency will enhance its capabilities and institutional knowledge, and expand its expertise through the formalized mentoring program. The program will ensure that the OOC and its employees maintain a level of sustained comprehensive development. To further this initiative, the Agency will:

- Assign a program manager to oversee the mentoring program and ensure that the program is meeting the needs of employees and management in fulfilling the mandate of the office.
- Identify positions where mentoring is most appropriate and necessary in order to build capacity within the organization and ensure consistency in program operations.
- Define mentoring relationships between individuals in the program, and develop appropriate protocols that define the relationships and responsibilities of the participants in the mentoring program.
- Develop a mentoring plan that will ensure that each mentor ascertains the needs and interests of their protégé, that an individual development plan is created for each protégé, and that progress is tracked at regular intervals to ensure that the program is serving the needs of the mentoring partners and the Agency.

G. Streamline administrative processes to support the smooth functioning of the Agency's operational responsibilities.

Being a small Agency with a large mission, OOC employees are expected to perform multiple functions simultaneously. Therefore, it is crucial that the OOC be able to recruit and retain highly skilled employees while operating within the fiscal boundaries afforded and supported by the public interest. To that end the OOC continually reviews and updates its business processes and seeks opportunities for improvement in how it delivers services.

To this end, the Agency will:

- Seek authorization and funding for student loan repayment and tuition reimbursement. Important tools for recruiting and retaining skilled employees include authorization to implement a student loan repayment program and tuition reimbursement programs, where funding is provided. To date, most agencies within the Legislative Branch – CBO, GAO, GPO, and USCP - have sought and obtained authority to implement such programs. The OOC will make it a priority to seek both authorization and funding for these programs.
- Improve the delivery of one of its key functions through a major change in the settlement disbursement process. Partnering with the Department of Treasury, the OOC will use a secure, efficient disbursement system to provide faster delivery of settlement funds. Starting in FY2010, this process is anticipated to save taxpayers on average \$20,000 per year in overhead costs for service delivery.
- Leverage its ability to share services with other Legislative Branch agencies in the area of negotiated contract vehicles to save money and improve contracting efficiency.
- Implement a new time and attendance system that is more secure, provides better information to users, and will be more efficient to use than the current time and attendance system.
- Reconfigure its entire IT infrastructure to provide better security, and more efficiency in hardware/software deployment over the next three years, and intends to share in the use of a new budgeting system with the Library of Congress that will save development and implementation costs and meet the Appropriations and Legislative Branch Financial Managers Council's vision of shared services throughout the Legislative Branch.

Measuring Success

The initiatives set forth in this goal are designed to streamline the internal operations of the Agency in support of its broader mission to advance safety, health, disability access, and workplace rights in the legislative branch. During the term of this Strategic Plan, the OOC will measure the success of this Goal in the following ways:

1. The OOC will review its current diversity outreach activities and seek to expand the diversity of its applicant pool by increasing attendance at job fairs, and posting vacancies and Requests for Proposals in media that reach out to minorities, women, and people with disabilities.
2. Employee satisfaction with the mentoring program will be measured by surveying participating staff and tracking their development. Upon completion of the program, the goal is to maintain at least 75% employee satisfaction with the program over the three year span of this Plan.
3. The OOC will measure the success of its greening activities by surveying each staff member on their use of electricity and recycling in FY2010, followed by a repeat survey in 2011 and 2012 monitoring for increased conservation activities. The initial survey will be created by July 2010 and distributed. Survey results will be collated and assessed by September 30, 2010.
4. The OOC will track the amount of paper ordered from FY2010 through FY2012, seeking a 10% decrease in the amount of paper used between FY2010 and FY2012.

External Factors

Several external factors will impact the success of these initiatives, including funding and collateral support from Legislative Branch stakeholders to obtain authorization, access to contracted-for services, technological resources, and additional office space.